REMARKS

This application has been carefully considered in connection with the Office Action dated January 7, 2010. Reconsideration and allowance are respectfully requested in view of the following.

Summary of Rejections

Claims 1-17 and 38-40 were pending at the time of the Office Action.

Claims 1-17 were rejected under 35 U.S.C. § 103.

Claims 38-40 were not addressed by the Office Action.

With regard to the art rejections, the Office Action has cited Knudson, et al., U.S. Patent No. 5,765,140 ("Knudson"); Swanke, et al., U.S. Patent No. 7,212,987 ("Swanke"); Schloss, et al., U.S. Patent No. 5,692,125 ("Schloss"); and Turnbull, U.S. Patent No. 5,208,765 ("Turnbull").

Summary of Amendments

Claims 1, 3-17, and 38-40 are currently pending following this response.

Claims 1 and 3 are currently amended.

Claim 2 is canceled herein.

Claims 4-9, 11, 13-14, 16, and 38-40 were previously presented.

Claims 10, 12, 15, and 17 remain as originally submitted.

Claims 18-37 were previously canceled.

Remarks and Arguments are provided below.

Claims 38-40 were not addressed by the Office Action

Claims 38-40 were not addressed by the Office Action. It is unclear to the Applicants whether claims 38-40 were intended to be allowed or rejected. If claims 38-40 are intended to be rejected, the Applicants respectfully request that a new non-final Office Action be issued clearly explaining the grounds of rejection for these claims and thereby affording the Applicants to properly address the grounds of rejection.

Summary of Response

Knudson and Swanke do not provide an Enterprise Application Integration process that facilitates the integration of workflow management processes throughout an enterprise, or a software portal through which data related to a software development project can be gathered, displayed, managed, and disseminated. More particularly, Knudson and Swanke do not disclose, teach, or suggest use of a software portal that facilitates project development within an enterprise, whereby the portal includes provisions for directly notifying end users about project events as they occur, using email, or other messaging technologies. For example, Knudson and Swanke do not teach or suggest use of a software portal that can determine an end of a phase of the project development process, and upon completion of that phase, automatically send a message to the personnel responsible for completing the next *phase* in the process and inform the personnel that the next *phase* can begin. Furthermore, neither Knudson nor Swanke teach or suggest use of a software portal that can *automatically* determine the start and end dates for the next phase in a project development process and automatically update a process schedule with the start and end dates for the next phase. Such features enable the portal to monitor the progress and also drive the activities of the project development process involved.

The pending application discloses a system and method for managing a project development process in an enterprise, and an Enterprise Development Process (EDP) portal or software tool that facilitates the integration of enterprise architectures. The EDP portal provides consistent checkpoints throughout a project development process that allow significant events in the process to occur in a predictable, scheduled manner. More particularly, the portal is a web-based software application that supports a process-based, activity-based management model of software development by providing an organization-wide, standardized means of collecting, managing, and reporting on work flowing through the software development process. The portal enables all parties associated with a project to determine its status and allows information about a project to be documented from its inception. Thus, the disclosed EDP portal provides a common touch-point for collecting and managing project information, and a vehicle for collaboratively planning, managing, and executing a project and distributing up-to-date project information in real-time, without requiring additional post-processing or analysis.

Knudson is directed to a dynamic project management system that automatically tracks and controls project tasks in accordance with various project schedules. The project management system includes a server network and a master database. The network is configured to identify a personnel resource pool including users. The system uses a project planning tool to execute a project plan, which includes tasks to be performed by the users in accordance with certain time schedules. The network translates the project plan into the master database and generates an assignments table, including a list of project tasks that are assigned to be completed by each of the users. Time sheets are periodically prepared in the master database from the assignments table and include a list of the project tasks assigned to a respective user and a time period record for recording time entries. The system feeds the actual time expended in performing the tasks back to

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the project plan to allow completion of the tasks in accordance with the time schedules. Notably, although Knudson is directed to a dynamic project management system, Knudson does not teach or suggest a software portal or method for project development within an enterprise, which notifies an individual with responsibility for the next phase of a project development process, upon completion of the previous phase, by automatically sending a message to the individual informing the individual that the next phase can begin, as claimed. Furthermore, Knudson does not teach or suggest a software portal or method for project development that determines a start date and end date for the next phase in the project development process, and automatically updates a schedule of the process with the start date and the end date for the next phase, as claimed.

Swanke is directed to a system and method for planning a design project, coordinating project resources and tools, and monitoring the project process. Swanke identifies tasks that must be finished to complete the design project based on design data, assigns tasks to a plurality of resources, and prioritizes the tasks based on dependency between the tasks to create a project plan. Swanke stores the project plan and the design data in a database, and automatically notifies the resources of corresponding task responsibilities and associated due dates based on the project plan through the use of encryption keys. Thus, Swanke controls access to the design data with the encryption keys assigned to the resources involved. Swanke also automatically monitors the work being performed on the tasks through a computerized network, and automatically notifies a project team leader of task completion status, overdue tasks, and tasks being ignored. Swanke further allows a user to enter various task information such as a start and end date for a task. However, Swanke does not teach or suggest a software portal or method for project development that automatically determines a start date and end date for the next phase in the project development

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process, as claimed, thereby reducing human error as well as inhibiting the deliberate entry of false information.

These distinctions, as well as others, will be discussed in greater detail in the analyses of the pending claims that follow.

Detailed Response

Rejection of Claim 1 Under 35 U.S.C. § 103(a):

Claim 1 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Knudson in view of Swanke and Schloss, further in view of Turnbull.

I.   The recited sources are not non-functional descriptive material, but instead various distinct systems.

Claim 1 has been amended herein to incorporate the features similar to those previously recited in dependent claim 3, herein re-written in independent form. Claim 1 now recites:

> the sources from which project related information is gathered
> include a plurality of:
>> a human resources data system;
>> a billing system;
>> a fiscal information system;
>> a financial time reporting system;
>> a knowledge/document management system;
>> a project management information system;
>> a requirements management system;
>> a process modeling tool; and
>> a tactical project planning and management tool.

In the rejection of claim 3, the Office Action admits that the applied art does not disclose this feature. However, the Office Action states that "these differences are only found in the non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements." See, Office Action, p. 7. Applicants respectfully disagree.

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MPEP 2106.01 describes nonfunctional descriptive material as including, but not limited to "music, literary works, and a compilation or mere arrangement of data." It appears that Office Action is interpreting the claimed "sources from which project related information is gathered" as merely the underlying data or information content of a computer system or a compilation or mere arrangement of data in a computer system. However, such an interpretation would be in error. While the particular "project related information" that is being gathered from the claimed sources might be considered merely underlying data, the sources from which that information is being gathered are not. Rather, the sources are physical systems from which the information is gathered. For example, the claims recite that one of the sources includes a "human resources data system." While the "human resources data system" may maintain and manage some of the "project related information" that is gathered, the "human resources data system" is not non-functional descriptive material. Rather, as its name implies, it is a tangible system.

II.   Knudson in view of Swanke, Schloss, and Turnbull do not teach or suggest automatically determining a start date and an end date for the next phase in the project development process, and automatically updating a schedule of the project development process with the start date and end date for the next phase.

Claim 1 recites, in part, "automatically determining a start date and an end date for the next phase in the project development process, and automatically updating a schedule of the project development process with the start date and end date for the next phase." The Office Action asserts that the cited art teaches this feature. Applicants respectfully disagree.

The Office Action admits that Knudson does not explicitly teach "determining a start date and an end date for the next phase in the project development process, and automatically updating

a schedule of the project development process with the start date and end date for the next phase"

as recited in claim 1 of the pending application. However, the Office Action relies on column 5,

lines 4-58 in Swanke to teach "determining a start date and an end date for the next phase in the

project development process." The Office Action states that "Swanke teaches only allowing the

start of a gated task once the prerequisite task is complete, therefore the start and end dates must be

updated upon the completion of a prerequisite task." See, Office Action, pp. 4-5. Applicants

respectfully disagree with this characterization of Swanke. Swanke, column 5, lines 5-11 states

"when a task is **entered** in the project planner 142, the information entered includes the task, the

person (resource) 115-118, the data source, and optional data destination, the design tools used

125, 126, for the task along with normal start, end and any task that may gate the start of the task,

along with any task that may be gated by this task." (emphases added). Thus, to the extent that

Swanke discloses determining a start and end date for the next task, the start and end dates are

entered by a user and are not **automatically** determined as required by claim 1 as currently

amended. The mere fact that a project is not allowed to start until a prerequisite task is complete

does not imply that the start and end date of either the next task or the prerequisite task are

automatically determined. It merely means that a new task may not be started until the system has

been notified that an earlier prerequisite task has been completed. Nothing in Swanke indicates

that this determination that a prerequisite task has been completed is an automatic determination or

that the start date of the new task is automatically computed. Rather, the new task start date could

be any date so long as that date occurs after the completion of the prerequisite task. However, the

specific start date is not automatically determined by Swanke. Moreover, Swanke does **not**

disclose that if a prerequisite task causes the start date of a task to be different than the normal start

date of the task that was entered by a user, that the project planner 142 automatically updates the

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start and end dates of the task. Even if Swanke did disclose this, which it does not, a start and end date of a task are not equivalent to a start and end data of a phase of project development as claimed.

The pending application states that "[i]f changes occur in a project's schedule, the revised planned transition dates can be … generated automatically based on the typical lengths of time for transitions to occur." (See, Application, ¶ [0027]). Furthermore, automatically tracking dates and determining dates "limits the opportunities for users to manually enter transition dates and thus prevents errors and deliberate entry of false information." (See, Application, ¶ [0027]). However, Swanke does not recognize the importance of automatically determining start and end dates, but rather relies on user entry of these dates which, as the pending application recognizes, is susceptible to human error and deliberate falsification. Because the systems and processes of the pending application are fully integrated, dynamic adaptation to changes occurring in one segment is possible and those changes may be propagated across to the appropriate systems. However, Swanke is not integrated in such a fashion to provide for the propagation of changes across the system in order to automatically determine start and end dates of various phases of a project.

While Schloss may disclose propagating changes from one event to linked events, Schloss does not disclose "automatically determining a start and end date for the next phase in the project development process." Turnbull was not relied upon by the Office Action with reference to the feature of "automatically determining a start date and an end date for the next phase in the project development process." Furthermore, Turnbull does not appear to teach or suggest automatically determining start and end dates of phases of a project development. Consequently, Schloss and Turnbull do not cure the deficiencies of Knudson in view of Swanke.

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III.   Knudson in view of Swanke, Schloss, and Turnbull do not teach or suggest notifying at least one individual with responsibility for a next phase of the project development process, upon the completion of the previous phase within the project development process, by automatically sending a message to the at least one of the individuals with responsibility for the next phase in the project development process, the message informing the at least one individual that the next phase can begin.

Claim 1 recites, in part, "notifying at least one individual with responsibility for a next phase of the project development process, upon the completion of the previous phase within the project development process, by automatically sending a message to the at least one of the individuals with responsibility for the next phase in the project development process, the message informing the at least one individual that the next phase can begin."

The Office Action admits that Knudson does not teach the above-recited elements of claim 1, but it asserts that Swanke cures the deficiencies of Knudson in that regard. However, Applicants respectfully disagree with that assertion for the following reasons.

For example, the Office Action relied on the following disclosure in column 2, lines 1-38 of Swanke to read on the above-recited elements of claim 1:

> Next, the invention stores the project plan and the design data in a database. The invention automatically notifies the resources of corresponding task responsibilities and associated due dates based on the project plan through the use of encryption keys. The invention controls access to the design data through the use of the encryption keys assigned to the resources. The invention automatically monitors work being performed on the tasks through a computerized network and automatically notifies a project team leader of task completion status, overdue tasks, and tasks being ignored, based on the monitoring. The monitoring includes observing whether a resource is actively working on a task exclusively by observing network activity of the resource. The invention automatically schedules a meeting of all corresponding

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resources if a task becomes overdue. Further, the invention produces periodic status reports based on the monitoring. <u>The invention automatically notifies the resources of additional tasks as prerequisite tasks are completed.</u> The invention automatically searches for additional resources for tasks that are overdue. The monitoring process includes a polling function. With the invention, the project planner and database/tools 142, the design data 125, the designers 115-118, and the design tools 126 are fully integrated into a cohesive and pervasive whole 110. When being assigned a task, each user is provided with keys of that allow access to in the necessary tools. The keys allow the invention to track the progress of each task by utilizing the time parameters within each of the keys. Therefore, the invention controls access to the tools and assigns tasks through use of keys. The result is that the project planer 142 is fully integrated into the actual design tasks without the need of manual intervention. Changes in schedule can occur in a real time manner. Work completing early can be detected, and the next tasks launched and vice versa (the overdue task is visible). In addition, tasks being ignored are immediately flagged, and proper attention can be applied to the problem- In this manner, a higher probability of success can occur. (Underlining added for emphasis.)

As shown above, Swanke merely teaches automatically notifying <u>the resources that are performing the tasks</u> of additional tasks they are to perform. Notably, Swanke distinguishes between its resources that perform the tasks, and its <u>project team leader</u> who may correspond to the "individual with **responsibility for** a next **phase** of the project development process" (Bold added for emphasis), as required by claim 1. Note that Swanke does not disclose notifying a project team leader informing them that a resource can proceed with performing a subsequent task once a previous task is completed. Rather, as discussed above, Swanke simply notifies the resource directly. As such, as shown above, Swanke does not teach or suggest "automatically sending a message to the at least one of the individuals with responsibility for the next phase in the project development process, the message informing the at least one individual that the next phase can begin," as claimed. Further, Swanke merely teaches "automatically notifying the resources of

additional tasks," but Swanke does not teach "<u>informing</u> the at least one individual <u>that the next</u> <u>phase can begin</u>," which is also required by claim 1.

In responding to the Applicant's arguments, the Office Action states that "there is nothing explicitly recited in the claim that indicates the individual with responsibility is a project leader." See, Office Action, p. 2. Applicants do not claim that the individual with responsibility is a project leader. However, the fact that Swanke does not notify the project leader is an indication that Swanke does not disclose notifying an individual with responsibility for an entire phase of project development rather than just an individual with responsibility for an individual task.

Moreover, Swanke discloses "tasks" and not "phases." A "task" is not equivalent to a "phase." A task is a single piece of work. However, a phase comprises numerous tasks. For example, the pending application states that "[t]he Define phase typically comprises four steps, Intent, Ideation, Feasibility, and Estimation." (See, Application, ¶ [0017]). Each step comprises one or more tasks. Thus, a phase comprises multiple tasks – not a single task. Further, claim 1 explicitly recites, "…phase comprises a segment of the project development process that includes multiple tasks that are grouped together as related functional processes." However, Swanke teaches a notifying step only in regard to completion of a task – not completion of a phase. Additionally, as noted above, the notifying step is notifying resources – not individuals.

While Turnbull was not relied upon by the Office Action with reference to the feature of "notifying at least one individual with responsibility for a next phase of the project development process," the Office Action did rely on Turnbull to provide teaching that a project development process may have phases. Specifically, the Office Action relied on the disclosure of Turnbull in column 5, lines 52-56 corresponding to stages of a segmentation corresponding to a phase of a product development. However, even if Turnbull does disclose that a product development

process may have phases, Turnbull does not provide any teaching or suggestion to automatically provide notification to a person with responsibility for a next phase of the project development process, as claimed. Therefore, contrary to the assertion of the Office Action, the combination of references is not simply substituting one known technology for another known technology (e.g., substituting notifying an individual with responsibility for a task with notifying an individual with responsibility for a phase) because Turnbull does not disclose automatically notifying an individual with responsibility for a next phase. While Swanke may disclose notifying an individual to perform their assigned task, and Turnbull may disclose that development projects may have phases, absent Applicant's own specification there is not teaching of record to suggest automatically notifying an individual with responsibility for a next phase, as claimed. In other words, absent Applicant's own specification, why would one of ordinary skill in the art have been motivated to modify Swanke's notification of resources about individual tasks to a notification of an individual with responsibility of a next phase based simply on the fact that development projects may have phases? Consequently, Turnbull does not cure the deficiencies of Knudson in view of Swanke.

For at least the reasons established above in sections I-III, Applicants respectfully submit that independent claim 1 is not taught or suggested by Knudson in view of Swanke, Schloss, and further in view of Turnbull and respectfully request allowance of this claim.

Claims Depending from Claim 1:

Claims 2-7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Knudson in view of Swanke and Schloss, further in view of Turnbull.

Dependent claim 2 is canceled herein. Dependent claim 3 has been re-written in independent form and is allowable for at least the reasons established in sections I-III. Dependent

claims 4-7 depend directly or indirectly from independent claim 1 and incorporate all of the limitations thereof. Accordingly, for at least the reasons established in sections I-III above, Applicants respectfully submit that claims 4-7 are not taught or suggested by Knudson and respectfully request allowance of these claims. None of Swanke, Schloss nor Turnbull, alone or in combination, cures the deficiencies of Knudson.

Claim 7:

IV.   Knudson does not teach or suggest **all** of the claimed steps in the claimed monitoring of the progress of the project.

Claim 7 recites:

wherein further steps in the monitoring of the progress of the project are performed through interaction with a graphical user interface and **include all of:**
approving the concept to move from one phase of the project development process to the next phase;
providing an estimate of the cost of a change to the scope of a project;
viewing the status of a project;
viewing a timeline of the work done on a project;
viewing a timeline of the work remaining on a project;
viewing the human resources assigned to a project;
viewing the large-scale initiatives to which the project is related;
automatically updating a schedule when project-related events occur; and
calculating a score reflecting the worthiness of a project-related concept.

In the rejection of the above claim, the Office Action provided some citations for where Knudson disclosed some of the claimed steps. However, the Office Action did not address how Knudson or the other cited art disclosed **all** of the claimed steps. For example, the Office Action did not address "approving the concept to move from one phase of the project development process to the next phase; providing an estimate of the cost of a change to the scope of a project; … viewing the large-scale initiatives to which the project is related; automatically updating a schedule

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when project-related events occur; and calculating a score reflecting the worthiness of a project-related concept." Therefore, it appears that the Office Action concedes that the cited art does not disclose **all** of the claimed steps.

Consequently, for at least the additional reasons established above in section IV, Applicants respectfully submit that claim 7 is not taught or suggested by Knudson in view of Swanke, Schloss, and further in view of Turnbull and respectfully request allowance of this claim.

Claim 8:

Claim 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Knudson in view of Swanke, and Schloss, further in view of Turnbull.

Claim 8 includes limitations substantially similar to the limitations discussed in sections II and III above. For example, claim 8 recites "automatically sending a message to at least one individual with responsibility for the next phase in the project development process informing the at least one individual that the next phase can begin." Accordingly, the arguments of sections II and III are hereby repeated for claim 8.

Accordingly, for at least the reasons established in sections II and III above, Applicants respectfully submit that independent claim 8 is not taught or suggested by Knudson in view of Swanke and Schloss and respectfully request allowance of this claim. Turnbull does not cure the deficiencies of Knudson in view of Swanke and Schloss.

Claims Depending from Claim 8:

Claims 9-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Knudson in view of Swanke, further in view of Turnbull.

Dependent claims 9-12 depend directly or indirectly from independent claim 8 and incorporate all of the limitations thereof. Accordingly, for at least the reasons established in sections II and III above, Applicants respectfully submit that claims 9-12 are not taught or suggested by Knudson and respectfully request allowance of these claims. Turnbull does not cure the deficiencies of Knudson in view of Swanke and Schloss.

Further, dependent claim 11 includes limitations similar to those discussed above in the arguments of section IV. Accordingly, for at least the reasons established in section IV above, Applicants respectfully submit that dependent claim 11 is not taught or suggested by the cited art and respectfully request allowance of this claim.

Claim 13:

Claim 13 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Knudson in view of Swanke, and Schloss, further in view of Turnbull.

Claim 13 includes limitations substantially similar to the limitations discussed in sections II and III above. For example, claim 13, recites "an action in the management of the progress of the project automatically sends a message to at least one individual with responsibility for the next phase in the project development process informing the at least one individual that the next phase can begin." Accordingly, the arguments of sections II and III are hereby repeated for claim 13.

For at least the reasons established in sections II and III above, Applicants respectfully submit that independent claim 13 is not taught or suggested by Knudson in view of Swanke and respectfully request allowance of this claim. Turnbull does not cure the deficiencies of Knudson in view of Swanke.

Claims Depending from Claim 13:

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Claims 14-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Knudson in view of Swanke, further in view of Turnbull.

Dependent claims 14-17 depend directly or indirectly from independent claim 13 and incorporate all of the limitations thereof. Accordingly, for at least the reasons established in sections II and III above, Applicants respectfully submit that claims 14-17 are not taught or suggested by Knudson in view of Swanke and respectfully request allowance of these claims. Turnbull does not cure the deficiencies of Knudson in view of Swanke and Schloss.

Further, dependent claim 16 includes limitations similar to those discussed above in the arguments of section IV. Accordingly, for at least the reasons established in section IV above, Applicants respectfully submit that dependent claim 16 is not taught or suggested by the cited art and respectfully request allowance of this claim.

<u>Conclusion</u>

Applicants respectfully submit that the pending application is in condition for allowance for the reasons stated above. If the Examiner has any questions or comments or otherwise feels it would be helpful in expediting the application, the Examiner is encouraged to telephone the undersigned at (972) 731-2288.

The Commissioner is hereby authorized to charge payment of any further fees associated with any of the foregoing papers submitted herewith, or to credit any overpayment thereof, to Deposit Account No. 21-0765, Sprint.

Respectfully submitted,

Date: <u>April 7, 2010</u>

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